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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,757	12/05/2003	Jeffrey Lewis Powers		3203

7590 08/22/2005  
Dennis W. Davis  
427 East Washington Avenue  
Eustis, FL 32726

EXAMINER

CHAPMAN, GINGER T

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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10-729-757

EXAMINER
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ART UNIT	PAPER
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20050809

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Commissioner for Patents

## **DETAILED ACTION**

### ***Response to Amendment***

The reply filed on 14 June 2005 is not fully responsive to the prior Office Action because of the following omissions or matters: Newly submitted claims 47-58 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: if initially presented both claims 28 as of December 21, 2004 and present claim 47 they would have been subjected to a restriction requirement on the basis of combination/subcombination relationship, wherein claim 27 is a subcombination that has a utility by itself, since Applicant claims it as an invention of extremity attachable device. And the combination that is recited in the instantly presented new claim 47 does not require the particularities of subcombination for *patentability*, because

a) it has structural features that are not present in the initial claim 28, such as inlet port means and inlet flow control means, and

b) the particularities of subcombination, such as generically described in both claims 28 and 47 can be selected from different embodiments and species exemplified by Applicant, and thus are not necessarily identical.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 47-58 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. Therefore, at the present time there are NO claims to examine.

Art Unit: 3761

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934. The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ginger Chapman  
Examiner, Art Unit 3761  
8/9/05

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TATYANA ZALUKAEVA  
PRIMARY EXAMINER

